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36. (Amended) A magnetic record and reproduction apparatus comprising the magnetic recording medium according to claim 27.

REMARKS

The claims are 1-36 with claims 1, 15 and 27 being independent. Non-elected claims 37-43 have been cancelled without prejudice or disclaimer. Claims 14, 26 and 36 were amended to resolve a minor informality unrelated to patentability. Claim 1 was amended to better define the intended invention. Reconsideration of the claims is expressly requested.

Claims 1-13 were rejected as obvious over EP '545 (Iwasaki) in view of WO '973 (Lambeth). Claims 15-25 and 27-35 were rejected as obvious over Iwasaki in view of Lambeth and Lairson '794. The grounds of rejection are respectfully traversed.

Prior to addressing the grounds of rejection, Applicants would like to briefly review the instant invention and its advantages. The present invention relates to a magnetic recording medium including a layer containing a plurality of portions, each of which contains an oriented magnetic material. The present invention is characterized in that an oriented magnetic material comprises a structure providing excellent magnetic recording. In particular, contact of the magnetic material with a conductive layer provides the present invention with enhanced magnetic recordability.

Iwasaki merely discloses that filling up a hole of an aluminum oxide layer with a magnetic material enables the structure to be used as a magnetic recording medium. The reference, however, fails to teach a magnetic substance which fills the pores and also contacts a conductive layer.

Lambeth discloses that a conductive layer face-centered cubic structure has a face of Miller index (111). The reference also discloses that a magnetic material has a hexagonal closest packed structure and orients toward the c-axis. The reference, however, merely relates to a continuous layer formed by a magnetic material and fails to teach an aluminum oxide layer having holes filled by a magnetic substance which contacts a conductive layer.

Accordingly, there is no motivation to combine the invention of Iwasaki with that of Lambeth. Even if that combination could be made, the resultant could not satisfy the constitution of the present invention and would not raise a prima facie case of obviousness.

The defects of Iwasaki and Lambeth are not remedied by Lairson. Lairson discloses a layer having a L1₀ structure. There is no motivation to combine the three inventions of Iwasaki, Lambeth and Lairson. Even if the combination were made it does not raise a prima facie case of obviousness.

The claims should be allowed and the case passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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Appendix

VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

--1. (Amended) A magnetic recording medium, in which an aluminum oxide layer having holes on a substrate is filled with a magnetic substance, comprising:

at least one conductive layer between the aluminum oxide layer and the substrate,

[wherein the conductive layer has fcc structure and its (111) face is oriented in a direction perpendicular to the substrate,] wherein the magnetic substance contacts the conductive layer and the magnetic substance includes a hard magnetic substance that has hcp structure and the c-axes of which are oriented in a direction perpendicular to the substrate.

14. (Amended) A magnetic record and reproduction apparatus [using] comprising the magnetic recording medium according to claim 1.

26. (Amended) A magnetic record and reproduction apparatus [using] comprising the magnetic recording medium according to claim 15.

36. (Amended) A magnetic record and reproduction apparatus [using]
comprising the magnetic recording medium according to claim 27.--

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